IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL.

Writ Petition No. 1539 of 2003

Surendra Kumar and others ….Petitioner.

Vs.

The Presiding Officer, Central Government
Industrial Tribunal Lucknow and another ….Respondents.

Hon'ble Irshad Hussain, J.

Heard Sri Gopal Narain leaned counsel for the petitioner and Sri Ashok Aggarwal learned counsel for the respondent.

2- This is a petition filed for the following reliefs:-

(a) Writ, order or direction in the nature of certiorari quashing the impugned advertisement dated 27.11.2003 published in the daily news paper Amar Juala date 30-11-2003 (Annexure-7 to the writ petition).

(b) Writ, order or direction in the nature of mandamus commanding the respondent no.2 not to fillup the vacancy in pursuance of advertisement of 27.11.2003 till the disposal of the claim of the petitioners pending before respondent no.1.

3- Learned counsel for the respondent referred to Annexure-7 of the petition to contend that the posts which have been advertised are different from the post on which the petitioners are working. Considering this contention the respondent no.2 can not be restrained to proceed with the recruitment according to rules in pursuance of the advertisement dated 27.11.2003. The appointment to be made in view of the said advertisement shall not come in the way of finding to be recorded on merit according to law by respondent no.1. With this observation the petition is disposed of finally.

(**Irshad Hussain, J.)**

Dated: 23-12-2003

ISB